Appln. No. 10/730,846
Amendment dated Feb. 13, 2006
Reply to Office Action of Dec. 13, 2005
Docket No. BOC9-2003-0082 (450)

REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action of December 13, 2005 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

Claims 1-8, 11-18, and 21 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,115,462 to Kennedy, *et al.* (hereinafter "Kennedy") in view of U.S. Published Application No. 2003/0206563 to Lazarus, *et al.* (hereinafter "Lazarus") and further in view of U.S. Patent No. 6,453,017 to Cannon, *et al.* (hereinafter "Cannon"). Claims 9-10 and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kennedy, Lazarus and Cannon in view of U.S. Published Application No. 2003/0021393 to Caharel, *et al.* (hereinafter "Caharel").

Applicants have amended each of independent Claims 1, 11, and 21 in order to further emphasize certain aspects Applicants' invention. The amended claims are fully supported throughout the Specification. (See, e.g., Specification, paragraph 0016, at pages 7-8, and paragraph 0021, at page 9.) No new matter has been added by virtue of the claim amendments.

Applicants' Invention

Prior to addressing the cited references, it may be helpful to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by amended Claim 1, is a method for handling an off-hook event. The method can include detecting an off-hook event with a modem communicatively linked to a circuit loop in which the off-hook event occurs. Additionally, according to the method, the modem can be automatically activated when a telephone device connected to the circuit loop is in an off-hook state and, conversely, automatically deactivated when no telephone device connected to the circuit loop is in an off-hook state. (See, e.g., Specification, paragraph 0016, pages 7-8.)

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The method can further include detecting an off-hook event. Detection of an off-hook event, according to the embodiment, can be based upon sensing for voice activity, or lack thereof, within the circuit loop. Alternatively, or additionally, the detection can be based upon sensing for data activity, or absence thereof, within the circuit loop. Voice activity, more particularly, encompasses conversation conveyed over the circuit loop; data activity includes the transmission of data over the loop. (See, e.g., Specification, paragraph 0026, at page 11.)

The method can also include initiating one or more programmatic actions within a computing device communicatively linked to the modem. The one or more programmatic actions, more particularly, can be initiated in response to the detection of the off-hook event. The method further can include conveying an off-hook notification as a result of the programmatic action.

Claims 1-21, As Amended, Define Over the Prior Art

As already noted, independent Claims 1, 11, and 21 were rejected as being unpatentable over Kennedy, in view of Lazarus and further in view of Cannon. Kennedy is directed to a remotely controlled line conditioning apparatus that is installed in a terminal at a point of easy access to a telephone loop that is to be tested. (Col. 1, lines 60-65; see also Abstract.) Lazarus is directed to a method of processing tones and a communications system intended to reduce the probability of falsely detecting modem and facsimile communications on a communications link. (Paragraphs 0021-23 and 26-27.) Cannon is directed to an apparatus and method for generating alternative types of notification signals regarding a receiver found to be in an off-hook state. (Col. 3, lines 35-51.) Applicants respectfully submit that none of the cited references, alone or in combination, teach or suggest every feature of independent Claims 1, 11, or 21, as amended.

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Kennedy is cited at page 2 of the Office Action as teaching the detection of an off-hook event using a modem, and the initiation of a programmatic action within a computing device communicatively linked to the modem. Kennedy, however, does teach or suggest the initiation of a programmatic action in response to the detection of an off-hook event, as recited in each of the amended independent claims.

The telephone line conditioning apparatus 80 of Kennedy "operates in response to conditioning control messages forwarded to it from [a] DATU [direct access test unit] 21 at [a] central office 10 to controllably condition a telephone line pair." (Col. 4, lines 13-19.) "In response to line conditioning messages from the host unit (DATU) located at the central office, [a] micro-controller 120 generates telephone line termination unit control signals for controlling the operation of the telephone line termination unit which conditions the telephone line pair." (Col. lines 49-55.) Accordingly, with Kennedy, the programmatic action referred to in the Office Action is initiated not in response to the detection of an off-hook event, but rather to messages sent from a DATU at a central office. It follows that Kennedy does not teach or suggest initiating a programmatic action within a computing device in response to the detection of an off-hook event, as recited in amended independent Claims 1, 11, and 21.

Kennedy further fails to teach or suggest automatically activating a modem when a telephone device connected to the circuit loop is in an off-hook state, or automatically deactivating the modem when no telephone device connected to the circuit loop is in an off-hook state. Indeed, the purpose as well as the structure of Kennedy's telephone line conditioning apparatus precludes this feature. The purpose of the telephone line conditioning apparatus of Kennedy is to perform line testing by "controllably impart[ing] a plurality of electrical signaling conditions to [a] telephone line pair under test." (Col. 2, lines 3-8.) The structure of the telephone line conditioning apparatus includes a modem, but Kennedy's use of the modem is limited to providing an interface by which signals "containing telephone line conditioning messages" are conveyed between a central office

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and a remote terminal in order to control the line testing. (Col. 2, lines 8-13.) Because the very purpose of the Kennedy telephone line conditioning apparatus is to test a telephone line by applying electrical signaling conditions under the directions of the line conditioning messages received via the modem, there is never any reason with Kennedy for maintaining the modem in a state other than active. Not surprisingly, Kennedy fails to teach or suggest automatically activating or deactivating a modem based upon whether or not a telephone is in an off-hook state, as recited in amended independent Claims 1, 11, and 21.

More fundamentally, as explicitly noted at page 3 of the Office Action, Kennedy does not teach monitoring of voice or data activity for the purpose of detecting an off-hook event. It follows, therefore, that Kennedy is incapable of automatic activation or deactivation of a modem based on whether or not a telephone is in an off-hook state since no such state is ever detected with Kennedy.

Each of the other references likewise fails to teach or suggest the features lacking in Kennedy. Firstly, neither of the other references teaches or suggests initiating a programmatic action within a computing device in response to the detection of an off-hook event. It is asserted at page 3 of the Office Action that Lazarus detects an off-hook event based upon detecting voice or data activity; Lazarus in fact detects only voice activity. With Lazarus, however, detection of voice activity generates not a programmatic action within a computing device, but instead starts "a timer." (Paragraph 0027.) As the timer is running, a timer circuit "begins to measure the elapse of time from when [a telephone device] was detected to [have gone] off-hook." (Paragraph 0027.) Neither the start of a timer nor the circuit-based measurement of elapsed time, however, is the initiation of a programmatic action within a computing device.

Cannon similarly fails to teach or suggest this feature. Cannon is directed to different modes of providing notification of an off-hook event once the event has been detected, but Cannon is silent as to any mechanism for initially detecting the event. Not

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surprisingly, therefore, Cannon provides no teaching or suggestion regarding initiation of a programmatic action in response to detection of an off-hook event. Accordingly, both Lazarus and Cannon each fail to teach or suggest this feature, as recited in amended independent Claims 1, 11, and 21.

Nor do either of the references teach or suggest automatically activating or deactivating a modem based upon whether or not a telephone is in an off-hook state. Lazarus, as already noted, is directed to reducing the probability of falsely detecting modem communications. Lazarus thus provides for continuous monitoring of a modem, but has no reason to provide a mechanism for selectively activating or deactivating the modem. Indeed, Lazarus neither teaches nor suggests such a mechanism for activating or deactivating a modem depending on whether or not a telephone is in an off-hook state.

Cannon, in fact, makes no mention whatsoever of a modem, let alone automatic activation or deactivation of the modem. Accordingly, neither Lazarus nor Cannon discloses automatically activating a modem when a telephone device connected to a circuit loop is in an off-hook state or automatically deactivating the modem when no telephone device connected to the circuit loop is in an off-hook state, as recited in each of the amended independent claims.

For the reasons stated herein, the cited references, alone and in combination, each fail to teach or suggest every feature recited in amended independent Claims 1, 11, and 21. Applicants respectfully submit, therefore, that the claims define over the prior art. Applicants further respectfully assert that, whereas each of the dependent claims depends from one of the amended claims while reciting additional features, these claims likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the

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undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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